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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/873,933	06/04/2001	Robert M. Lund	09775810-0035	3347

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SHUMAKER & SIEFFERT, P. A.  
1625 RADIO DRIVE  
SUITE 300  
WOODBURY, MN 55125

EXAMINER
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TAYLOR, BARRY W

ART UNIT	PAPER NUMBER
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2617

NOTIFICATION DATE	DELIVERY MODE
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12/28/2007

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@ssiplaw.com

# Office Action Summary

Application No.

09/873,933

Applicant(s)

LUND ET AL.

Examiner

Barry W. Taylor

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 12 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-3, 37, 39-41, 43, 44 and 47-64 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 37, 39-41, 43, 44 and 47-64 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 10/12/07.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1- 2, 37, 39-41, 43-44 and 47-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mulcahy et al (6,002,746 hereinafter Mulcahy) in view Dolin, Jr. et al (5,420,572 hereinafter Dolin).

Regarding claims 1, 49, 56 and 63. Mulcahy teaches a subscriber unit and method for correlating a subscriber unit to a physical port in a point-to-point or to a point-to-multipoint network (title, abstract) comprising:

prompting an installer to manually input a location code associated with the subscriber unit (col. 7 lines 64-67);

receiving the location code in the subscriber unit (col. 7 lines 64-67);

transmitting the location code via the network to a central repository (col. 7 lines 29-32); and

storing the location code in the central repository to associate the location code with the physical port (col. 8 lines 7-9).

According to Applicants, Mulcahy fails to teach transmitting the location code and a subscriber unit identifier to a central repository (see Amendment and remarks, paper

dated 11/01/05 and comments appearing at the bottom of page 10, paper dated 11/7/06).

Dolin teaches a configuration device for use in a networked communication system (title, abstract) that allows any individual to configure a network by correctly and accurately assigning and recording addresses for each node (col. 3 line 63 - col. 4 line 8, col. 5 line 55 – col. 6 line 4). Dolin discloses that the preferred embodiment of the present invention is designed to interface with any number of physical media, including optical (col. 9 lines 12-52). Dolin teaches using Domain addresses to define a network (col. 10 lines 14-19, col. 10 line 62 - col. 11 line 6). Dolin teaches using location codes in conjunction with node addresses and node ids (col. 10 line 62 - col. 12 line 43) to provide for accurate and relatively simple configuration of a network.

It would have been obvious for any one of ordinary skill in the art at the time of invention to utilize the teachings of Dolin into the teachings of Mulcahy in order to allow an installer of a network to store location information in conjunction with node addresses when network set-up is being conducted.

Regarding claim 2. Mulcahy teaches checking the location code for errors before storing (col. 8 lines 1 1-13); upon finding an error, transmitting an instruction to the subscriber unit to indicate error to the installer (col. 8 lines 14-22), and upon finding no errors, storing the location code (col. 7 lines 29-32).

Regarding claim 37. Dolin teaches the location code permits identification of network service parameters associated with the subscriber unit (col. 11 lines 34-53).

Regarding claims 39, 50 and 57. Mulcahy teaches receiving the location code in the subscriber unit (col. 7 lines 64-67).

Regarding claims 40, 51 and 58. Mulcahy teaches prompting an installer to manually input a location code associated with the subscriber unit (col. 7 lines 64-67).

Regarding claims 41, 52 and 59. Mulcahy teaches test set used by craftsperson (see 18 figure 4).

Regarding claims 43, 53-54 and 60-61. Dolin teaches subscriber unit is equipped to receive information including voice, data and video content (see col. 9 lines 12-52 wherein any number of physical media may be interfaced which include twisted pair and optical obviously providing voice and data to subscribers).

Regarding claims 44 and 55. Mulcahy teaches checking the location code for errors before storing (col. 8 lines 11-13); and upon detection of error in the location code, transmitting an instruction to the subscriber unit to indicate error to the installer (col. 8 lines 14-22).

Regarding claim 47. Dolin teaches wherein the subscriber unit identifier includes a serial number (see col. 9 lines 18-28 wherein each node are assigned a unique number at time of manufacturing which reads on serial number).

Regarding claim 48. Dolin teaches node addresses and node ids stored in conjunction with location codes (col. 11 line 1 - col. 12 line 43)

Regarding claim 62. Mulcahy teaches subscriber unit is located at subscriber location (see col. 8 lines 7-9 wherein CLI is typically used to physically identify subscriber units).

Regarding claim 64. Dolin teaches activating subscriber services provisioned for the subscriber after the correlation of the subscriber unit with the geographic location (see col. 10 line 62 – col. 12 line 43 wherein node addresses and ids are first associated with location code information so that future configuration and re-configuration may be easily conducted).

2. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mulcahy et al (6,002,746 hereinafter Mulcahy) in view Dolin, Jr. et al (5,420,572 hereinafter Dolin) further in view of Kennedy et al (6,163,594 hereinafter Kennedy).

Regarding claim 3. Mulcahy in view of Dolin fail to show prompting the installer to reinput the location code. However, Mulcahy discloses that if an error is detected, the operator can instruct a field engineer (i.e. installer) to perform appropriate operations to correct the error (col . 8 lines 1 9-22).

Kennedy allows the craftsperson to re-input the location code (col. 2 lines 51-60, col. 3 lines 33-66, col . 7 lines 39-41 , col. 10 lines 1-3, lines 29-31 , see "reentering the correct directory number" in column 11).

It would have been obvious for any one of ordinary skill in the art at the time of invention to utilize the teachings of Kennedy into the teachings of Mulcahy and Dolin to allow the technician the opportunity to perform appropriate operations to correct the error.

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1-3, 37, 39-44, 47-63 have been considered but are moot in view of the new ground(s) of rejection.

Art Unit: 2617

4. Regarding Applicants summary appearing on page 16, paper dated 10/12/07 wherein Applicants generally conclude that the invention is directed to correlation of a subscriber unit in a point to multipoint network with a geographic location.

The Examiner notes Dolin correlates node id (i.e. subscriber unit identifier) with location code (i.e. geographic location).

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barry W. Taylor, telephone number (571) 272-7509, who is available Monday-Thursday, 6:30am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost, can be reached at (571) 272-7872. The central facsimile phone number for this group is **571-273-8300**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group 2600 receptionist whose telephone number is (571) 272-2600, the 2600 Customer Service telephone number is (571) 272-2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**Centralized Delivery Policy:** For patent related correspondence, hand carry deliveries must be made to the Customer Service Window (now located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), and facsimile transmissions must be sent to the central fax number (571-273-8300).

Barry W. Taylor  
Art Unit 2617

  
BARRY TAYLOR  
PRIMARY EXAMINER